

## CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

August 19, 2014

### POST SUMMARY MINUTES

PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Shana M. Rooks, Commissioner Michael Edmondson, Commissioner Sonna Gregory, Commissioner Gail Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Turner called the meeting to order.
2. Invocation was led by Chaplain Stanley Owen of the Clayton County Sheriff's Office. Pledge of allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by adding an Industry Announcement by Economic Development Director Grant Wainscott before the Public Comment section and announcing that item #11 (Resolution 2014-204, a Resolution authorizing Clayton County to enter into a settlement agreement settling all claims set forth in the matters involving Guy McNair, Jr.; to authorize the Chairman to execute the agreement and otherwise perform all acts necessary to accomplish the intent of this resolution) would be held until after the Executive Session tonight for a Board vote. Clerk Haywood also noted that the Executive Session would pertain to litigation and personnel matters. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the August 5, 2014 Regular Business Meeting minutes. Vote unanimous.
5. INDUSTRY ANNOUNCEMENT: Economic Development Director Grant Wainscott thanked the commissioners and stated it was an absolute pleasure to be before them to announce another great line of new industries for Clayton County. Before he gave any specifics, Mr. Wainscott expressed gratitude to those persons who were present this afternoon for the wonderful groundbreaking of a new \$175 million distribution center in the city of Forest Park at the Gillem Logistics Center. Governor Nathan Deal and Commissioner of Economic Development Chris Carr were present to help break ground along with Chairman Turner, Lake City Mayor Willie Oswalt, other city officials, and the public. Per Mr. Wainscott, this is an immense piece of property totaling 1.2 million square feet which will provide a lot of new jobs in the County. This evening, he wanted to introduce to the Board and audience a great new company called Qgistix that is bringing 150 jobs to Clayton County in the Mountain View area. Qgistix is a Florida based electronics repair reverse engineering company. It has been in business for quite a while and has opened up in Southwood Business Park in the northern borders of Clayton County. Also, this company is located in the county's opportunity zone that provides a \$4,000.00 per job tax credit. Much interest has been shown in this area by other companies due to this tax credit. Mr. Wainscott indicated that Mark Sherman, Vice President of Operations for

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Qgistix, had accompanied him tonight and would make some brief remarks. Afterwards, pictures would be taken of them with the Board of Commissioners.

Mr. Sherman thanked the Board and Mr. Wainscott for this opportunity to speak. He stated that Qgistix selected the opportunity zone in its extensive location search exclusively because of the chance to obtain a \$4,000.00 per employee credit. Qgistix is a reverse logistics company in the electronics industry and offers very good opportunities to immediate and highly skilled electronics workers. It currently employs 65 people, some of whom moved up from Florida, and the rest were hired locally. As Mr. Wainscott had mentioned, Qgistix plans to have a total of 150 employees by this time next year on a two (2)-shift basis. Mr. Sherman affirmed that the company is growing very quickly mainly because of the opportunity zone that Clayton County created, which enticed companies such as his to come to this area. He again thanked the Board for this opportunity to do business in the County.

On behalf of the Board, Chairman Turner welcomed Mr. Sherman and his company to Clayton County and thanked him for deciding to do business here. He looked forward to a wonderful partnership with Qgistix in the Mountain View area.

Mr. Wainscott noted that Mountain View lies in Commissioner Gail Hambrick's district (District 2). He thanked Commissioner Hambrick for being a real champion for the opportunity zone/tax allocation district and for her leadership in this cause.

6. PUBLIC COMMENT: Citizens will be given a three (3)-minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Following thirty minutes of hearing from the public, the Board of Commissioners will allow the remainder of citizens who have signed up to be heard at the next Tuesday business meeting.

1) Rhonda Wells, a Henry County resident (Stockbridge, Georgia), stated she was trying to help Clayton County by adopting an animal from the Animal Control Shelter. Ms. Wells further stated that she was escorted inside the shelter for about two (2) minutes and shown only big dogs when her preference was for a smaller dog. She did not understand why the Police Department was running Animal Control when it needed to be out on the streets apprehending criminals. If the Police Department cleaned up the County, money from taxes would be brought in to make the County more financially stable. Another concern was the killing of innocent animals that could be given homes by rescue groups. Ms. Wells opined that only dangerous and aggressive animals needed to be put to sleep. She reiterated that the Police Department needs to get out of the dog pound business and get back on the streets to clean up the County. Citizens need to be in charge of the dog pound instead.

As a point of clarity, Chairman Turner informed Ms. Wells that the people who run the dog pound are mainly citizens. Only two (2) policemen work in this operation.

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Ms. Wells replied that she understood that aspect, but there appears to be so much concern over taxes. Taxpayers are paying policemen to run the dog pound in Clayton County. That does not happen in Henry County and no one is ever escorted in or out. Citizens are allowed to come in the dog pound by themselves.

2) Kimberly Kirby, a Clayton County homeowner, expressed her unhappiness with the killing of healthy animals in the Animal Control Center. She felt that the IP killing method which staff used on animals was cruel and grueling because it caused writhing, pain, convulsing, vomiting, diarrhea, etc. According to Ms. Kirby, Clayton County needs to come out of the “Dark Ages.” Euthanasia is intended to relieve pain and suffering, not cause it. The Georgia Department of Agriculture mandates that Animal Control staff must be properly trained to euthanize animals; i.e., under the supervision of a licensed veterinarian or physician, not a vet technician. If a veterinarian is indeed euthanizing animals, then Clayton County needs to be transparent to the citizens who actually own Animal Control. She knew for a fact that Clayton County taxpaying homeowners and rescue groups from other counties are being refused entry into Animal Control, and they are being turned away when they request to look at all the animals. This facility is also closed for maintenance at times when healthy animals are being slaughtered. Information on animals is being withheld when inquiries are made at the counter inside Animal Control. Ms. Kirby stressed that these animals cannot be saved if persons cannot see them. A rainbow bridge app needs to be placed on Animal Control’s social media page so that tireless efforts of rescuing animals are not in vain as animals are killed in secrecy. No other county allows an escort to persons who want to look at animals. Currently, many Clayton County taxpayers are fighting to privatize Animal Control. The police need to deal with criminals and leave the rescuing of animals to experienced people. Ms. Kirby concluded that she and others planned to continue to petition and prevail.

3) Shannon Wiggins, Z. Adams, J. Smith, Sue Verner, and Dr. Bill Wells were not present when their names were called during the “public comment” phase of the meeting.

4) Dr. Henry Anderson greeted the commissioners per district and the Chairman at-large. During the July 15, 2014 commission meeting under the “Public Comment” section, he announced that he would soon be using his own performance appraisal/numerical grading system to evaluate various county governmental departments that he interacted with on a regular basis as well as the commissioners on their responses to and resolution of problems, issues, and concerns he had brought before them. This evaluation will reflect the successes and failures of departments and commissioners listening to and addressing problems, issues, and concerns and making them a top priority. He was introducing a new evaluation numerical rating scale that will show his displeasure, dissatisfaction, discontentment, and disapproval only on problems, issues and concerns which he raised that are met

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with no action, no follow-through, total disregard, and rejection. Dr. Anderson called his evaluation system a Category Scale Numerical Rating Magnitude Level Evaluation which ranges on a scale of one (1) to eleven (11). For the record, he sincerely hoped that he would never have to come before this board using this scale. As a citizen of Clayton County who has been attending these commission meetings for the past fourteen (14) years, he expected not only excellence but outstanding efforts, actions, and success from the commissioners and county departments run by directors, chiefs, deputy chiefs, managers, etc. Dr. Anderson explained that he will be doing this evaluation to raise his personal standard of excellence, perfect his public commenting, and add a greater level of accountability which will be achieved by adding numerical rating scores to his praises, acknowledgements, and recognition along with any areas of dissatisfaction and disapproval on actions or the lack thereof. The evaluation will also continue to enhance and build on his professionalism in coming before the commissioners in a very respectful, favorable, intelligent, credible, and composed manner. He affirmed that evaluations will commence at the next commission meeting on Tuesday, September 2, 2014, at 7:00 p.m. Dr. Anderson then thanked the commissioners for their time and attention to this matter.

5) Joyce Irby, a Clayton County resident, urged the Board of Commissioners to consider using ordinary citizens in some of the policymaking for Animal Control. She volunteers for the Humane Society and has her own charity to pick up animals in need. Ms. Irby stated that she believed in involving people who have a passion to make improvements in Animal Control and who can reasonably work together.

6) Danny Kirby, a Clayton County citizen, gave the following message on behalf of killed animals and the ones who will continue to be killed...**“Take me down to the river...take me down one more time...take me down to the river before I die...hold my head beneath the water until Jesus walks by my side...take me down to the river one more time.”** Mr. Kirby emphasized that since Animal Control refuses to stop killing animals, he felt it was appropriate to read Job 7:11 from the Bible – **“Therefore I will not restrain my mouth...I will speak with the anguish of my soul...and I will complain with the bitterness of my spirit.”** He was here today to tell Animal Control to stop killing his children because there will be a price to pay when standing before the Lord. If the Clayton County commissioners cannot rectify the situation, then the public should respectfully ask for their resignations. Since county taxpayers actually own Animal Control, Mr. Kirby expressed that they should have access to all the records and witness and videotape the animals being killed for the whole world to see. He hoped that God would have as much mercy on the souls of Animal Control staff as they have on the souls of his children that are being killed.

7) Ed Hicks stated he was present tonight to talk about the Panhandle area. Although the County has performed a good road resurfacing service, there is an ongoing project in the area that is not moving fast at all. A race is coming in less than two (2) weeks, and it is going to be embarrassing to

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the County when all that traffic comes in over Flint River Bridge. He recommended that the County jump on this contract and get the work expedited. Mr. Hicks indicated he had spoken with Vice-Chairman Rooks about this dilemma and noted that the workers have not been out to work in two (2) weeks.

Vice-Chairman Rooks directed Mr. Hicks to talk to Transportation and Development Director Jeff Metarko, who would be able to address his concerns. Mr. Hicks agreed to do so.

8) Joycelyn Benham addressed the resolution before the Board this evening regarding the County entering into an Aging Subgrant Contract with the Atlanta Regional Commission providing services for Seniors 60 and older within the County. She spoke on behalf of two of her homebound relatives who solely rely on Meals on Wheels services for sustenance and socialization. Sometimes families do not live in the same cities as their relatives who are homebound, so such services are critical for their livelihood. Ms. Benham beseeched the Board to approve this resolution tonight to help those persons who have no contact with the outside world other than those who provide meals for them.

9) Karen Kelly, a Clayton County homeowner, was present to represent the Clayton County Humane Society. This organization is hosting a car and motorcycle fundraiser event on September 20, 2014 at Clayton County International Park to support animals at the shelter. She asked the Board to consider waiving the rental fee for this event. The staff fee will be paid because it is necessary to pay staff members for their services. Ms. Kelly understood that the rental fee has been waived for other charities in the past, so any consideration of her request would be greatly appreciated since the Clayton County Humane Society relies on fundraisers to support animal rescue efforts.

7. Ramona Thurman, Interim Purchasing Agent of Central Services, presented the following requests that resulted in these Board actions.

1) Approved a **Request to Open Publix and Wayfield Business Accounts**, as requested by the CFO/Authorized Purchasing Agent. Vote unanimous.

For the benefit of the public, Commissioner Gregory asked Ms. Thurman to explain the purpose of opening business accounts with Publix and Wayfield grocery stores. Ms. Thurman explained that when a department has to purchase food for programs/agencies, it has to go to the store, pick up items, get a receipt, send the receipt to Accounts Payable to get a manual check, etc. Opening a business account with these stores expedites time and makes the project much smoother. This service is also invaluable during emergencies. For example, Wayfield was one of the only stores open earlier this year during the ice storm and departments were able to quickly secure food for those in need.

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2) Approved a **Request for Board of Commissioners' Approval to utilize National Joint Powers Alliance (NJPA) Cooperative, utilizing Mohawk Carpet Distributing, Inc. as the Countywide Carpet and Flooring Supply and Installation for Various County Facilities, Annual Contract Office Supplier** (Funding is available through each department's budget), as requested by the Central Services Department and CFO/Authorized Purchasing Agent. Per Section 2-114 of the Clayton County Purchasing Ordinance; Cooperative Purchasing Methods, the County may join with other governmental units in cooperative purchasing plans when the best interest of the county would be served thereby. The Clayton County Board of Commissioners makes the final award for cooperative purchases of \$35,000.00 and greater. Vote unanimous.

3) Approved a **Purchase of IBM Hardware Equipment Maintenance** (International Business Machines Corporation located in Atlanta, Georgia/SWC #90813-02; \$39,678.00. Funding is available through the Information Technology Other Contract Service Fees Account), as requested by the Information Technology Department. Per O.C.G.A. § 50-5-100 states, "The Department of Administrative Services is authorized to permit local political subdivisions, on an optional basis, to purchase their supplies through the state." Vote unanimous.

4) Approved **CAD Dispatch Software, Contract Amendment III** (SunGard Public Sector, Inc., located in High Point, North Carolina. This amendment is at No Cost to the County), as requested by the Police Department. Per Section 2-136 (7) of the Clayton County Purchasing Ordinance; Sole Source Purchases, Central Services must determine if other products or service providers can satisfy the procurement requirements before making a determination of sole source procurement. Sound procurement practice requires that sole source purchases be used when it is the only option and not as an attempt to contract with a favored service provider for a favored product. The Purchasing Agent requires all sole source providers to supply a letter stating that they are the sole source for a given product or service and why they are considered to be the sole source (technology, patents, etc.). All sole source purchases will be clearly defined when presented to the Clayton County Board of Commissioners. Vote unanimous.

5) Approved **RFP Pkg. #10-05 SPLOST Project Management and Consultant Services for One (1) Police Precinct and Renovations, Library, Multi-purpose Fire Building and Animal Control Facility, Third Contract Amendment** (Silverman Construction Program Management; Anvilblock Road Fee of \$2,000.00 and Access Road fee Not To Exceed \$12,425.00. Funding is available through the 2009 SPLOST Funds). Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in the excess of \$25,000.00 are required to be purchased through

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the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

6) Approved **RFB Pkg. #13-76 Land Boundary and Topographical Surveys for Various County Projects, Annual Contract, First Amendment** (Falcon Design Consultants, LLC, located in Stockbridge, Georgia. Cost of services is based on billing rates. Funding is available through the 2004 and 2009 SPLOST Funds). Per Section 2-136 (1) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed bid method when the costs of goods and services are in excess of \$25,000.00. The Clayton County Board of Commissioners has the final award approval for all non-budgeted bids \$35,000.00 and greater. All approved budgetary goods and services and annual contract purchases can be authorized by the Finance Director and purchased by the Director of Central Services without Board of Commissioners' approval. Vote unanimous.

7) Approved **RFP Pkg. #14-27 Cooling Treatment Maintenance Program for Clayton County, Annual Contract** (U.S. Water Services, located in St. Michael, Minnesota. Funding is available through the Building Maintenance FYE 2015 Budget), as requested by the Building Maintenance Department. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00. All goods and services in the excess of \$25,000.00 are required to be purchased through the sealed proposal process, or negotiated by the Director of Central Services with full Board of Commissioners' approval. The Clayton County Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

8) Approved the following **Annual Contract Renewals**. Per Section 2-136 (6) of the Clayton County Purchasing Ordinance, Clayton County has developed annual contracts for frequently used items and services. These contracts are a result of a sealed bid. The contract allows the county to order goods and services directly from the awarded suppliers through the use of an annual contract document. Vote unanimous.

a. **RFP #12-19 Fiber Optic Cabling and Splicing Services for Clayton County Information Technology Department – Annual Contract with The ComTran Group, Inc., located in Buford, Georgia.** The final renewal period will be from September 1, 2014 through August 31, 2015. The Board of Commissioners approved this proposal on July 17, 2012.

b. **RFP #13-24 Swim Lesson Provider – Annual Contract with Tara Tarpons Swim Association, located in Jonesboro, Georgia.** The renewal period will be

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from October 1, 2014 through September 30, 2015. The remaining renewal on this contract is for one (1) additional one (1) year period. The Board of Commissioners approved this proposal on August 20, 2013.

- c. **RFB #13-27 Security Mattresses for Clayton County Prison – Annual Contract with Bob Barker Company, Inc., located in Furquay Varina, North Carolina.** The renewal period will be from October 1, 2014 through September 30, 2015. The remaining renewal on this contract is for one (1) additional one (1) year period. The Board of Commissioners approved this proposal on August 6, 2013.
- d. **RFB #13-32 Deferred Prosecution Program – Gun Safety Course for the Solicitor’s Office – Annual Contract with Operations 21, LLC, located in Cumming, Georgia.** The renewal period will be from September 1, 2014 through August 31, 2015. The remaining renewal on this contract is for one (1) additional one (1) year period. The Board of Commissioners approved this proposal on August 6, 2013.
- e. **RFB #13-38 Clayton County Pet Food – Annual Contract with Swint’s Feed and Garden Supply, located in Jonesboro, Georgia.** The renewal period will be from September 1, 2014 through August 31, 2015. The remaining renewal on this contract is for one (1) additional one (1) year period. The Board of Commissioners approved this proposal on August 6, 2013.

9) Approved **Balotar Solution Equipment, First Contract Amendment** (Election Systems and Software, located in Omaha, Nebraska. No additional cost to the County), as requested by the Elections Department. Per Section 2-136 (7) of the Clayton County Purchasing Ordinance; Sole Source Purchases, Central Services must determine if other products or service providers can satisfy the procurement requirements before making a determination of sole source procurement. Sound procurement practice requires that sole source purchases be used when it is the only option and not as an attempt to contract with a favored service provider for a favored product. The Purchasing Agent requires all sole source providers to supply a letter stating that they are the sole source for a given product or service and why they are considered to be the sole source (technology, patents, etc.). All sole source purchases will be clearly defined when presented to the Clayton County Board of Commissioners. Vote unanimous.

8. Ramona Thurman, Chief Financial Officer, presented the following budget amendments that resulted in these Board actions.

1) Approved Budget Amendment #2-57/Mailroom/FYE 6-30-14 – to amend the budget to cover additional postage for FY-2014, in the amount of \$43,435.00. Vote unanimous.



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2) Approved Budget Amendment #2-58/Central Services/6-30-14– to amend the budget to cover additional repairs and office equipment for FY-2014, in the amount of \$32,238.00. Vote unanimous.

3) Approved Budget Amendment #2-03/Other General Government/FYE 6-30-15 – to provide a one-time supplement for two (2) Juvenile Court Judges per the Georgia Code, in the amount of \$28,785.00. Vote unanimous.

4) Approved Budget Amendment #2-04 – Federal Narcotics Condemnation Fund/FYE 6-30-15 – to establish the budget from seized drug funds to purchase tasers and a 2012 Ford E350 van, in the amount of \$47,760.00. Vote unanimous.

Before the Board voted on the above-listed budget amendments, Commissioner Hambrick stated she wanted everyone to understand that item #3 (Budget Amendment #2-03) was actually a repayment to the Juvenile Court judges. Ms. Thurman agreed and said the Juvenile Court judges were entitled to a spousal supplement and were not notified about it, and this supplement should have been paid into the system initially.

As a point of correction, Commissioner Edmondson commented that the Juvenile Court judges are not entitled to a spousal supplement. They are entitled to the choice to choose it; therefore, the argument is that the County did not explain to the judges that they had a choice.

Ms. Thurman replied that Finance did advise the judges that the County would cover that amount for them. Commissioner Edmondson reiterated that it is a choice, not an entitlement.

9. Approved Resolution 2014-201, a Resolution to provide for the establishment of the net mill rates after credit (rollback) for values added by reassessment for Clayton County's Fiscal Year 2014-2015; to authorize the levy and collection of property taxes at such rate required by the State of Georgia, to cover expenditures associated with the maintenance and operation of the County and activities necessary and incidental thereto; to cover expenditures associated with the provision of fire services; to authorize the mill rate credit (rollback) equal to taxes collected from the One Percent Local Option Sales Tax distribution; to authorize the Chairman to execute the certification of official rates together with any other document pertaining to such mill rates; to provide an effective date of this resolution; and for other purposes. The motion carried 3-2. Commissioners Gregory and Hambrick opposed.

For the record, Commissioner Gregory stated it has been known that she did not support the previous budget and did not support this millage rate. In the Comprehensive Annual Financial Report (CAFR) submitted last year, the CFO wrote an introductory letter which contained the following statement:

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**“Clayton County operates under a set of fiscal policies which promote long-term financial stability of the County.”**

Commissioner Gregory noted in the letter that the CFO goes on to list what she calls relevant financial policies. According to Commissioner Gregory, it has to be pointed out that by passing a budget which funds ongoing expenses with reserve(s), this board has violated the letter and the spirit of these long-standing county policies. Without a plan to fund the ongoing expenses, the County sets itself on a dangerous financial path. Her hope is that the County will not become Detroit.

Vice-Chairman Rooks asked Ms. Thurman to address this alleged violation of these long-standing county policies.

Ms. Thurman responded that the Board does not have any adopted resolutions or ordinances on fiscal/budgetary policies. Included in the budget document are recommended policies and guidelines given by an established financial officers' association for budget management in the County.

Vice-Chairman Rooks inquired if the guidelines in the budget book are comparable to how the budget has been set in prior years.

Ms. Thurman answered yes. With the current revenues and resources, there has to be a balanced budget and the County has accomplished that. The 10% operating reserves, which is 10% of the \$172 million revenue, amounts to \$17 million. For this fiscal year, only \$13 million has been used out of the reserve monies. The majority of that money was used for Southern Regional Medical Center. If it is determined that the Fund Balance is not sustainable next year, the Board will have to look at other options to sustain it. Additionally, several items in the budget did not generate enough revenue and had to be subsidized from other funds. To her knowledge, Ms. Thurman stated that this course of action has taken place for the past two (2) years.

Commissioner Hambrick asked Ms. Thurman to explain how the County was going to sustain the recent pay increase (COLA) for the employees.

Ms. Thurman stated that all of the raises are sustainable, and they were established in the budget process. Commissioner Edmondson had already spoken about this matter. The County's property values are coming back up and that is generating more revenue (without having to resort to other resources).

Commissioner Hambrick questioned what the County is using this year to support the raises.

Vice-Chairman Rooks said she understood that County departments cut 5% of their budget to support

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the raises.

Ms. Thurman said that was correct, and some departments cut their budgets even more in order to give employees a raise. The total amount to fund employee raises was \$2.8 million, and the full amount was not just from reserves.

Commissioner Hambrick asked if any of the employee raises had been taken from reserves.

Ms. Thurman replied that reserve monies were not solely used for the employee raises. They were also used for general operating expenses.

Commissioner Hambrick questioned the total amount taken from the reserves for this fiscal year.

Ms. Thurman answered the total reserve amount taken for this fiscal year is \$13,500,000.00. An amount of \$10 million is going to the General Operating Fund; \$7.4 million for SRMC, \$1.4 million for the Fire Fund transfer; \$1 million to E-911, and \$729,000.00 for the Landfill (which is not generating enough monies to sustain itself). She stressed that reserves have to be used when there is no other revenue source. The Board needs to consider increasing County fees to cover expenditures in the future.

10. Approved Resolution 2014-202, a Resolution providing for and authorizing an increase in Supplemental Compensation of certain elected officials, employees of the State of Georgia, and other persons employed in County offices or performing duties essential to County operations; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense; to provide an effective date; to repeal conflicting laws; and for other purposes. The motion carried 3-2 in favor. Commissioners Gregory and Hambrick opposed for the same reasons expressed earlier.

11. Approved Resolution 2014-203, a Resolution authorizing Clayton County to enter into an Aging Subgrant Contract with the Atlanta Regional Commission providing for services for Seniors 60 and older within the County; to authorize the Chairman to execute the contract and otherwise to perform all acts necessary to accomplish the intent of the resolution; to authorize the Chief Financial Officer to amend the budget to reflect an appropriate revenue source and expense, all as may be required under the terms of the contract; to provide an effective date of this resolution; and for other purposes. The motion carried 4-1. Commissioner Edmondson opposed.

12. Approved Resolution 2014-205, a Resolution authorizing the trade, sale or other disposition of Clayton County owned service weapons from the District Attorney's Office; to authorize the Director of Central Services to effect the disposition of said weapons as surplus items; to authorize the Chief

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Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense; to authorize the disbursement of proceeds from the disposition of such property; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

13. Approved Resolution 2014-206, a Resolution authorizing Clayton County to enter into an agreement with Southern Regional Medical Center, Inc. providing for the terms and conditions under which the purchase of pharmaceutical supplies and medication will be made on an emergency basis for use by Clayton County Fire and Emergency Services; to authorize the Chairman to execute the agreement and otherwise perform all acts necessary to accomplish the intent of the resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect the appropriations and expenditures relating thereto; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

14. Approved Resolution 2014-207, a Resolution authorizing Clayton County to accept a forfeited vehicle (2003 Chevrolet Impala) from a Clayton County Police Department drug investigation; to authorize the sale of such property in a manner as will be in the best interest of the County; to provide for the disbursal of sale proceeds; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

15. Approved Resolution 2014-208, a Resolution authorizing Clayton County to accept fifty-two (52) batteries; an EMachine CPU, monitor, and seven (7) bicycles as abandoned property pursuant to O.C.G.A. § 17-5-54(A)(1) and Superior Court Orders for official use by the Police Department; to authorize the Chairman, or his designee, to accept the property on behalf of Clayton County, and to execute any documents necessary, and otherwise perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

16. Approved Resolution 2014-209, a Resolution authorizing Clayton County to accept two (2) seized vehicles (a 2001 Honda Odyssey and a 2002 BMW 745i) pursuant to Clayton County Superior Court judgments and Orders of Forfeiture and Disposition of Property; to authorize assignment of such vehicles to the Sheriff's Office fleet; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

17. Approved Resolution 2014-210, a Resolution to allow State Representative Sandra Scott to host the 4<sup>th</sup> Annual Senior Citizens Breakfast at the Carl Rhodenizer Recreation Center; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to provide an

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effective date of this resolution; and for other purposes. Vote unanimous.

18. Approved Resolution 2014-211, a Resolution authorizing Clayton County to enter into a License Agreement with the Humane Society and SPCA of Clayton County, Inc. providing for the terms and conditions under which a car and motorcycle show will be hosted at the Clayton County International Park; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and amending the resolution to waive the rental fee (Special Event Fee) as requested by the host of this event. Vote unanimous.

19. Approved Resolution 2014-212, a Resolution to enter into a License Agreement with Lake Spivey Community, Inc. to host the “Celebrate Lake Spivey” community event at the Lakeview Amphitheater at Clayton County International Park; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

20. Approved Resolution 2014-213, a Resolution authorizing Clayton County to enter into a License Agreement for the Charles H. Wesley Education Foundation, Inc. providing for the terms and conditions under which an overnight Young Men of Excellence (YME) Youth Retreat will be hosted at the Clayton County International Park; to authorize the Chairman to perform all acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

21. Approved Resolution 2014-214, a Resolution determining the sufficiency of Sales and Use Tax collections to pay principal of and interest on Clayton County, Georgia General Obligation Bonds and for other related purposes. The motion carried 4-0-1. Commissioner Edmondson abstained.

22. Approved Ordinance 2014-215, an Ordinance to amend the Code of Clayton County, Georgia, as amended, specifically, Code of Clayton County, Georgia, Part II, Chapter 14 “Animals,” Article VI “Responsible Dog Ownership Law” by deleting Code Section 14-137 “Appointment of Dog Control Officer and Animal Control Board” in its entirety and substituting in lieu thereof a new Section 14-137 “Appointment of Dog Control Officer”; by adding a new Section 14-137.1 “Animal Control Board”; by deleting Section 14-139 “Classification; Notice and Hearing” in its entirety and substituting in lieu thereof a new Section 14-139 “Notice to Dangerous or Vicious Dog Owners; Hearing”; to repeal conflicting laws, ordinances, and resolutions; to provide severability; to provide an effective date; and for other purposes. Vote unanimous.

Commissioner Edmondson asked for an explanation of the section changes in Ordinance 2014-215.

Vice-Chairman Rooks replied that she wrote this ordinance, so she could explain those changes. Since the Animal Control Board was established, it has not been given any authority to do anything. This ordinance now gives the Animal Control Board some power to make recommendations about grant

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monies and overseeing the Animal Control facility. The Animal Control Board can also give those recommendations to the Board of Commissioners because it had no one to report to in the past. Vice-Chairman Rooks also noted she had an opportunity to vet this ordinance through another attorney on the Animal Control Board. Essentially, this board is able to have more power and handle public relation issues previously processed by the Board of Commissioners. (NOTE: Paige Turner, Chairman of the Animal Control Board, was introduced to the Board of Commissioners during this discussion.)

Chief Staff Attorney Christie Barnes requested an Executive Session to discuss personnel and litigation matters. The Board generally consented to have an Executive Session for the aforementioned reasons.

23. ZONING PETITION: TruckNation **RECZ-14/05-3 and CUP-14/05-5**

Approved the request of Applicant Robert Clough, on behalf of TruckNation, for a rezoning from Article 3.31 Heavy Industrial District (HI) to Article 3.29 Light Industrial District (LI) with a conditional use permit (CUP) to allow for used truck sales. The subject properties are located at 2370 Forest Parkway and 5281 J.G. Glover Court, Ellenwood, GA 30294, and otherwise known as parcel numbers 12180B D001 and 12180B D002. The subject properties contain approximately 0.79 and 0.82 acres of land and they are currently zoned Heavy Industrial (HI).

**Commission District # 1 – Commissioner Sonna Gregory**

Vote unanimous.

Clerk Haywood asked if there were any opposition to the TruckNation zoning petition. There was no response from the audience.

Commissioner Gregory noted that since there was no opposition and this petition is basically a rezoning, she would make a motion to approve this petition. Vice-Chairman Rooks seconded the motion. Vote unanimous.

24. ZONING PETITION: Trai Rattan Aram Temple **RECZ-14/06-6**

Approved the request of Applicant Michelle Jackam, on behalf of Trai Rattan Aram Temple, contingent on certain conditions being met for a rezoning from Article 3.21 General Business (GB) and Article 3.7 Residential (RS-110) District to Article 3.15 Office Institutional (OI) for a place of worship upon property located at 5530 Riverdale Rd (13089B A001) and 5518 Old Riverdale Road (13089B B001). The subject properties are approximately a combined 8.25 acres of land.

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**Commission District # 2 – Commissioner Gail Hambrick**

Vote unanimous.

Clerk Haywood asked if anyone were present in opposition to this zoning petition. There was no response from the audience.

Before the Board heard from the petitioner, Commissioner Hambrick asked Chief Staff Attorney Christie Barnes to explain the usage and non-usage of Old Riverdale Road.

Ms. Barnes stated that the Board of Commissioners, in the past few months, voted to abandon Old Riverdale Road which runs between the two (2) parcels in this petition. She believed the petitioner had a plan to combine the two (2) parcels in the future.

Michelle Jackam, representative for the petitioner, replied that the plan was not necessarily to combine the parcels into an individual one. The plan was to have the parcels deeded over in an agreement with the County. She understood that the setback was still set, and the property would be raised by a total of .3 acres. Since the existing road is in such disrepair, the County's DOT decided that it was better to abandon it.

Ms. Barnes informed Ms. Jackam that although the County abandoned the right-of-way, it still owns the property. The next step would be for the County to convey that portion to Ms. Jackam (on behalf of Trai Rattan Aram Temple), which is a step in between this and the land disturbance aspect.

Ms. Jackson stated that the plan would be to do it somewhat concurrently because the groundbreaking will not occur until next Spring.

Commissioner Hambrick understood there is a fee for that conveyance. She asked Ms. Barnes if that were correct.

Ms. Barnes said yes, the County has to negotiate a sales/conveyance price and that information will soon be relayed to Ms. Jackam.

Commissioner Hambrick questioned what that sales/conveyance price would be.

Ms. Barnes stated that she had contacted the Tax Assessors Office earlier today and received an estimate based on the property being in a commercial area. That estimate could range from \$2.00 to \$2.50 per square foot.

Ms. Jackam noted that this was a much higher price than what the County's DOT had told her due to the fact that the road is in such disrepair. If the road had not been abandoned, this project could not occur and she would have insisted that the road be brought back to standard. She felt that this matter

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could be reasonably discussed and a mutual agreement could be reached.

Commissioner Edmondson asked Commissioner Hambrick if she needed to put a hold on this petition until an exact conveyance price was determined.

Commissioner Hambrick answered she and the petitioner really needed to know the exact price of that property, especially if there is a plan to combine the two (2) parcels. She did not want to vote on something when there is no agreement now.

Commissioner Edmondson inquired if a price could be legally negotiated or if the property would have to be put up for sale or bid. He has a similar issue in his district that will surface soon.

Whenever the County is transferring a right-of-way or an easement pursuant to statute, Ms. Barnes stated that a public sale is not required. That will have some type of bearing on what the ultimate sales price of the property is. Otherwise, it would just be a public auction/public sale and with bids as low as they go. Her research indicated that a public auction would not be required because it is a conveyance of a right-of-way.

Ms. Jackam questioned if a figure had been derived based on the price range recently given. She deduced that at \$2.00 per square foot, the total amount would be approximately \$26,000.00.

Ms. Barnes responded that this is information she was able to obtain from the Tax Assessors Office, relative to the property being in a commercial area.

Craig Collins of Stronghold Investments appeared at this time before the Board and introduced himself as Project Manager for this project. He wanted clarification on the amount of monies involved in the conveyance.

Ms. Jackam stated that the County's DOT had discussed with her the direct conveyance of the property for this project due to the cost of bringing the road up to standard. During the negotiations for abandonment, she had been told the conveyance would be for a negligible amount. She expressed that it has taken months for the County to abandon this property. In fact, this project was put on hold for over seven (7) months while the County's DOT decided how to handle the property for cost effectiveness.

Chairman Turner surmised that there are still some questions that need to be answered.

Commissioner Hambrick inquired about the status of the statues located in front of the building.

Ms. Jackam assured Commissioner Hambrick that the statues had been relocated. They are going to be incorporated in the new design where the temple is, and that will be set back significantly from the



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public view.

Commissioner Hambrick wanted to know how far back those statues would be located.

Ms. Jackson asked Commissioner Hambrick if she had a copy of the site plan before her.

Commissioner Hambrick replied she did not, but this issue could be discussed because it appears that the Board has to wait anyway for further discussion regarding Old Riverdale Road.

Commissioner Edmondson questioned if the County or GDOT owned the right-of-way.

Chairman Turner interjected that the discussion had been focused on the Clayton County DOT.

Ms. Jackson affirmed that for this project to come in, it had to come in off a main thoroughfare which is now Riverdale Road. With the disrepair of the road, the Clayton County DOT did not want to bring it up to grade. It is not utilized and it services no one but this property itself. Clayton County DOT had told her the price for the recording fees would be negligible.

Chairman Turner stated that a review with the Clayton County DOT is necessary at this point.

Ms. Jackam replied that now this project will be delayed again with the Clayton County DOT not having its documents put together correctly.

Chairman Turner answered that he was not stating that it was Clayton County DOT's fault. There are just some additional questions that need to be answered.

Mr. Collins asked if the conveyance price would not exceed \$26,000.00.

Ms. Jackam responded that if the going rate is \$2.00 per square foot, the price would total \$26,000.00. She knew this for a fact because she had the exact square footage from being Chairman of the Tax Assessors in her county.

Commissioner Hambrick told Ms. Jackam that she needed to confer with Clayton County's Tax Assessors Office about the conveyance price.

Ms. Jackson confirmed that at the going rate of \$2.00 per square foot, \$26,000.00 would be the maximum amount calculated at 13,000 square feet.

Mr. Collins stated that if the Board could agree not to exceed \$26,000.00 as a negotiated price, he could work that amount into the project's budget.

Commissioner Edmondson voiced that the Board could not negotiate that price in a zoning hearing.

Ms. Barnes advised against entering into these negotiation discussions at this time. As she had stated

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earlier, the Clayton County Tax Assessors Office reviewed the parcels for this right-of-way as being in a commercial area of the County. There needs to be continued discussions with the Tax Assessors Office and the Transportation and Development Department on how to move forward with this project.

Ms. Jackam questioned the time frame for resolving the price amount.

Chairman Turner stated it would be resolved next month at the September 16, 2014 Board of Commissioners' Regular Business Meeting (the third Tuesday of the month when zoning petitions are routinely scheduled).

Ms. Jackam replied that this continuance would delay the project for another month. This has been a long, drawn- out process for her clients.

Commissioner Edmondson alerted Ms. Jackam that the Board could vote now to deny her petition.

Ms. Jackam stated that she would not want that to happen. She had just wanted the Board to understand that this project has been delayed for quite some time now.

Chairman Turner said the Board duly noted Ms. Jackam's concerns. Everything just needs to be properly lined up and the County has to do its due diligence. He urged Ms. Jackam to give the Board a little latitude and to have some patience with the process. This matter will be resolved at the September 16, 2014 business meeting.

Mr. Collins asked if he and Ms. Jackam needed to wait until the third Tuesday's Board of Commissioners' meeting for Clayton County DOT to determine the value.

Vice-Chairman Rooks clarified that the Tax Assessors Office would determine the value, not Clayton County DOT. Chairman Turner added that any questions that the Board had could be answered in time as well.

Ms. Jackam noted that a main question was about the statues in the front of the building. She affirmed that those statues will be incorporated in the new design once the old building is demolished.

Commissioner Hambrick asked if the statues would be inside a building.

Ms. Jackam answered no, but the statues will be so far back away from anything. They will be incorporated along the chanting trails that go around the new temple and will not be visible to the public from Riverdale Road.

Commissioner Edmondson asked Zoning Administrator Kc Krzic if the petitioner has to agree to defer this petition. He understood that the Board cannot just tell the petitioner that this petition will be deferred.

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Ms. Krzic agreed that Commissioner Edmondson was correct.

Commissioner Edmondson wondered if the petition had to be deferred before or after questions so that the petition does not have to be advertised again. Even though the Board said there were no questions, he thought it would be important to the petitioner to define how everything will be handled.

Ms. Barnes responded that since the public hearing has already been advertised, the next public hearing on this petition would just be for a vote (at the September 16, 2014 business meeting).

Commissioner Edmondson asked if Ms. Barnes meant the Board would vote for or against this petition with no discussion, if the petitioner agrees to the deferment.

Ms. Barnes agreed that Commissioner Edmondson was correct.

Commissioner Hambrick wondered if Ms. Barnes were referring to an agreement on the conveyance price amount.

Ms. Barnes answered that she meant an agreement to bring back the rezoning petition/request.

With the zoning today, Mr. Collins asked if the Board could vote yea or nay because the only other process would be executing the amount to pay for the piece of property.

Chairman Turner asked Mr. Collins if that were not feasible to him.

Mr. Collins said it was feasible. It would not hold up any actual growth for the temple over an amount of money that was discussed. That amount is a small number compared to what will actually be done on the site. Mr. Collins believed the purpose of the petition was to rezone the property, and he hoped the Board would be willing to say yay to the rezoning tonight. Monies are already in the budget to take care of the property, and there will be no issue with the fee.

Commissioner Hambrick asked Chief Appraiser Rodney McDaniel of the Tax Assessors Office to come forward and state if the numbers quoted for square footage on this property were within reason with his estimates.

Mr. McDaniel replied yes, that is accurate. He acknowledged that he had spoken with Ms. Barnes earlier today about this matter. The front parcel is approximately \$2.50 per square foot, and the rear parcel is at \$2.00 per square foot. It is up to the County and, of course, the commission to make an adjustment based on the size and the shape of that particular parcel in question. Mr. McDaniel described the property as a strip of land that is roughly 15,000 square feet and has an odd shape because it is just a road; therefore, the County would have some leeway in this matter. Since this property is in a commercially zoned area, the \$2.00 per square foot price is within the appropriate value range.

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Commissioner Hambrick felt that the petitioner needed to confer with the County's DOT about this property.

Mr. Collins interjected that funding is available in the project budget for various incidentals. He wanted to move the process forward because the project has been held up going on eight (8) months now, with one meeting after another.

Ms. Jackam asked if the Board could approve this petition for rezoning tonight contingent on a purchase price agreement, and the zoning would disappear if no agreement is reached.

Commissioner Hambrick stated this is a question she was going to ask Chief Staff Attorney Barnes.

Ms. Barnes responded the Board can vote at its pleasure to rezone the property per the petitioner's request. If the conveyance of the right-of-way in the future is not successful, the petitioner would have two (2) parcels of land with the County's land strip in between.

Ms. Jackam said then the project could not be done because there would be no access to the rear area, which would defeat the entire purpose. All pertinent parties in this venture will need to have an agreement.

Commissioner Hambrick wanted to know if there were an agreement in writing to have those statues moved back from public view.

Ms. Jackam answered that this is part of the design, and there is a preliminary lay-out. Her clients have agreed verbally that the statues will be relocated. The preliminary lay-out indicates that parking and landscaping requirements will be met as well as hydrology ordinances and Cherry Hill overlay district ordinances. She reiterated that the statues will be moved to what is appropriate to zoning; i.e., the statues being too close to the right-of-way.

Commissioner Hambrick asked Ms. Krzic if what Ms. Jackam had stated would be sufficient for this petition.

Ms. Krzic replied that her office could ensure the statues will be relocated on the site plan, which could be an attachment.

Ms. Jackam stressed that no one will be able to physically see the statues upon relocation. She assured Commissioner Hambrick that this will not be an issue because she understood there have been complaints about the statues. Additionally, the old building will be torn down in a timely manner.

Commissioner Hambrick recommended that the zoning petition be approved with the following conditions:

1. Location of the statues shall be identified upon the site plan.

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2. The existing building shall be removed within six (6) months after the release of the Certificate of Occupancy for the new structure. (Per Ms. Krzic, permitting would have to be secured for the demolition of that building.)

3. No Land Disturbance Permit shall be released until the right-of-way is properly conveyed, recorded, and combined into one parcel.

If the existing building is not removed as previously stipulated, Commissioner Edmondson questioned if the property would revert to the original zoning.

Ms. Barnes answered if the existing building is not torn down in six (6) months, the zoning would revert to the original zoning.

Ms. Jackam interjected that the zoning would be revoked.

Ms. Barnes said that is correct. She emphasized that the zoning is contingent upon the petitioner's agreement to have that existing building torn down within six (6) months.

Commissioner Edmondson surmised that this is a contingency zoning, not a stipulation. He just needed clarification because he has seen similar cases in his district.

Ms. Jackam added if she did not ensure that the statues would be relocated, the zoning would fall apart as well. Chairman Turner agreed that she was correct.

For the record, Commissioner Hambrick stated her motion still stands with the aforementioned conditions.

Ms. Jackam pointed out that an LDP cannot be issued if negotiations are not set up in order to settle on a purchase price. She wanted to make sure that the County feels protected in every respect.

Ms. Krzic indicated that it is the County's standard not to issue a permit if the conditions are not met. The petitioner could proceed with engineering; however, the final signatures and stamps are not released without executing the conditions.

Motion by Commissioner Hambrick, second by Commissioner Gregory, to approve this petition with the above-listed conditions. Vote unanimous.

Motion by Vice-Chairman Rooks, second by Commissioner Gregory, to go into Executive Session at 8:22 p.m. in the Commissioners' Conference Room to discuss personnel and litigation matters. Vote unanimous.

Motion by Vice-Chairman Rooks, second by Chairman Turner, to go out of Executive Session at

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8:43 p.m. Vote unanimous.

Motion by Vice-Chairman Rooks, second by Commissioner Edmondson, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 8:45 p.m. Vote unanimous.

Chief Staff Attorney Barnes presented Resolution 2014-204 to the Board for a vote (A Resolution authorizing Clayton County to enter into a settlement agreement settling all claims set forth in the matters involving Guy McNair, Jr.; to authorize the Chairman to execute the agreement and otherwise perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the settlement agreement; to provide an effective date of this resolution; and for other purposes). The Board made the following motion after Ms. Barnes presented this resolution.

Motion by Chairman Turner, second by Vice-Chairman Rooks, to approve Resolution 2014-204. The motion carried 4-1. Commissioner Edmondson opposed.

Before the Board adjourned for Executive Session tonight, Ms. Barnes indicated she had informed everyone during the Trai Rattan Aram Temple zoning petition discussion (rezoning two parcels of land from General Business and Residential to Office Institutional) that the zoning would revert to the previous zoning if the petitioner did not remove the existing temple from the front parcel of land within a certain amount of time. She wanted to clarify for the Board that the Planning and Zoning Department has made her aware that once the petitioner obtains the demolition permit, he/she will have to provide the County with a removal bond. If the applicant does not remove the existing temple within a certain amount of time (as indicated in that removal bond), the County will be able to pull that bond and remove the existing structure. The zoning, therefore, would not revert to the original zoning. Instead, the County would be in a position to remove the existing structure. Per Ms. Barnes, this point needed to be clarified for the record.

There being no further business to discuss, motion by Vice-Chairman Rooks, second by Commissioner Edmondson, to adjourn the Regular Business Meeting of August 19, 2014 at 8:47 p.m. Vote unanimous.